

Introduced by Senator McClintock

February 16, 2005

An act to amend Section 8558 of, and to add Sections 8557.5 and 14032.3 to, the Government Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 324, as introduced, McClintock. Highways: transportation gridlock emergencies.

Existing law authorizes the Governor to proclaim a state of emergency, as defined, in an area affected or likely to be affected by the existence of conditions of disaster or of extreme peril to the safety of persons and property caused by specified conditions.

This bill would include a transportation gridlock emergency, as defined, within the definition of a "state of emergency."

This bill would require the Department of Transportation to prepare and submit an annual report to the Governor and the Legislature that contains a list of state highways, in ranking order, based on the average daily vehicle hours of delay, excluding weekends, for the highway.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Congestion Relief Act for the 21st Century.

3 SEC. 2. Section 8557.5 is added to the Government Code, to
4 read:

5 8557.5. For purposes of this chapter, a "transportation
6 gridlock emergency" means conditions that require extraordinary

1 state action, including, but not limited to, construction of new
2 highways or highway lanes, in order to relieve traffic congestion
3 that presents a severe threat to the safety and economic
4 well-being of any region in the state. A transportation gridlock
5 emergency may be declared for the purpose of relieving traffic
6 congestion on any highway or segment of a highway for which
7 the Department of Transportation has determined that the
8 average daily vehicle hours of delay, excluding weekends,
9 exceeds 3,000 vehicle hours.

10 SEC. 3. Section 8558 of the Government Code is amended to
11 read:

12 8558. Three conditions or degrees of emergency are
13 established by this chapter:

14 (a) “State of war emergency” means the condition which
15 exists immediately, with or without a proclamation thereof by the
16 Governor, whenever this state or nation is attacked by an enemy
17 of the United States, or upon receipt by the state of a warning
18 from the federal government indicating that ~~such~~ an enemy attack
19 is probable or imminent.

20 (b) “State of emergency” means the duly proclaimed existence
21 of conditions of disaster or of extreme peril to the safety of
22 persons and property within the state caused by ~~such conditions~~
23 *as conditions such as a transportation gridlock emergency*, air
24 pollution, fire, flood, storm, epidemic, riot, drought, sudden and
25 severe energy shortage, plant or animal infestation or disease, the
26 Governor’s warning of an earthquake or volcanic prediction, or
27 an earthquake, complications resulting from the Year 2000
28 Problem, or other conditions, other than conditions resulting
29 from a labor controversy or conditions causing a “state of war
30 emergency,” which, by reason of their magnitude, are or are
31 likely to be beyond the control of the services, personnel,
32 equipment, and facilities of any single county, city and county, or
33 city and require the combined forces of a mutual aid region or
34 regions to combat, or with respect to regulated energy utilities, a
35 sudden and severe energy shortage *that* requires extraordinary
36 measures beyond the authority vested in the California Public
37 Utilities Commission.

38 (c) “Local emergency” means the duly proclaimed existence
39 of conditions of disaster or of extreme peril to the safety of
40 persons and property within the territorial limits of a county, city

1 and county, or city, caused by ~~such~~ conditions *such* as air
2 pollution, fire, flood, storm, epidemic, riot, drought, sudden and
3 severe energy shortage, plant or animal infestation or disease, the
4 Governor's warning of an earthquake or volcanic prediction, or
5 an earthquake, complications resulting from the Year 2000
6 Problem, or other conditions, other than conditions resulting
7 from a labor controversy, which are or are likely to be beyond the
8 control of the services, personnel, equipment, and facilities of
9 that political subdivision and require the combined forces of
10 other political subdivisions to combat, or with respect to
11 regulated energy utilities, a sudden and severe energy shortage
12 *that* requires extraordinary measures beyond the authority vested
13 in the California Public Utilities Commission.

14 SEC. 4. Section 14032.3 is added to the Government Code, to
15 read:

16 14032.3. The department shall do all of the following:

17 (a) Determine the average daily vehicle hours of delay,
18 excluding weekends, for each highway in the state.

19 (b) Rank each highway based on average daily vehicle hours
20 of delay, excluding weekends.

21 (c) Prepare and submit to the Governor and the Legislature, on
22 an annual basis, a report listing the highways and their rankings.